

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDWARD LEE TURNER,
Petitioner,

No. C 07-6258 MHP (pr)

ORDER

v.

DERRAL ADAMS, warden,
Respondent.

On July 16, 2009, petitioner filed a motion for extension of time to file his traverse and, on August 12, 2009, he submitted a "denial and the exception to [the] answer to writ of habeas corpus," which appears to be the contemplated traverse. Petitioner's motion for an extension of time to file his traverse is GRANTED. (Docket # 17.) The "denial and the exception to [the] answer to writ of habeas corpus" dated August 12, 2009 is deemed timely and the clerk will file it forthwith. The habeas petition is now fully briefed and will be decided in due course.

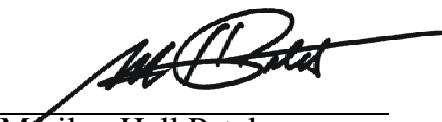
In his motion for extension of time, petitioner also requested a TRO to compel prison officials "to provide appropriate course of procedures designed to restore and maintain the full level of litigation with the Courts." Motion, p. 2. The request for a TRO is denied as unnecessary, as petitioner has now completed and filed his traverse.

With his traverse, petitioner also submitted copies of documents from several other cases with a notation on the top of each stating "Please Re-File This Action." Specifically, he asked that the judgment and complaint in Case Nos. C 06-491 MHP, C 06-1421 MHP, C 06-5364 MHP, and C 06-7413 MHP be "re-filed." The request to re-file the documents is

1 denied. The documents are irrelevant to the habeas petition pending in this action and there
2 is therefore no reason for them to be filed in this action. "Re-filing" the documents in the
3 closed cases to which they pertain would be a useless act, as all of those cases are closed and
4 the re-filing of copies of documents already in those closed cases would cause no further
5 action. If petitioner wants to file a civil rights action (that does not merely duplicate a claim
6 that has already been adjudicated against him), he may do so, but rather than just submitting
7 an old complaint with a directive to re-file it, he needs to file a new civil rights complaint
8 without a case number on it, and a motion for leave to proceed in forma pauperis.

9 IT IS SO ORDERED.

10 DATED: August 25, 2009


Marilyn Hall Patel
United States District Judge